

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

ABU DHABI COMMERCIAL BANK, et al., : Civil Action No. 1:08-cv-07508
Individually and On Behalf of All Others :
Similarly Situated, : **CLASS ACTION**
Plaintiffs, : NOTICE OF MOTION FOR CLASS
vs. : CERTIFICATION
MORGAN STANLEY & CO. :
INCORPORATED, et al., :
Defendants. :

x

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Plaintiffs' Motion for Class Certification and exhibits thereto, the Declaration of Charles C. Cox and exhibits attached thereto, the Declaration of Shaun Martin and the exhibits attached thereto, the Declaration of Simon Copleston, the Declaration of Peggy Pahl, the Declaration of Timothy D. Barto, and such other evidence and argument as the Court may consider, plaintiffs King County, Washington ("King County), SEI Investments Company ("SEI") and Abu Dhabi Commercial Bank ("ADCB"), by and through their undersigned attorneys, will move before the Honorable Shira A. Scheindlin, United States District Judge at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 15C, New York, New York 10007, for an order: (1) certifying this action as a class action pursuant to Fed. R. Civ. P. 23; (2) appointing King County, SEI and ADCB as class representatives pursuant to Fed. R. Civ. P. 23; and (3) granting such other and further relief as the Court may deem just and proper.

This Motion is made on the following grounds:

1. The Class is so numerous that joinder of all members is impracticable.
2. There are questions of law or fact common to the Class.
3. The claims of the proposed class representatives are typical of the claims of the members of the Class.
4. The proposed class representatives will fairly and adequately protect the interests of the members of the Class.
5. The questions of law or fact common to the members of the Class predominate over any questions affecting only individual members of the Class.

6. A class action is superior to the other available methods for a fair and efficient adjudication of this controversy.

7. Lead Counsel for the proposed class representatives are qualified to serve as counsel in this litigation for the proposed class representatives in their individual and representative capacities and for the Class described above.

DATED: December 22, 2009

Respectfully submitted,

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
PATRICK J. COUGHLIN
DANIEL S. DROSMAN
JESSICA T. SHINNEFIELD
MICHAEL F. GHOLZLAND
NATHAN R. LINDELL
CHRISTINA A. ROYCE
DARRYL J. ALVARADO

s/ DANIEL S. DROSMAN

DANIEL S. DROSMAN

655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
SAMUEL H. RUDMAN
JARRETT S. CHARO
58 South Service Road, Suite 200
Melville, NY 11747
Telephone: 631/367-7100
631/367-1173 (fax)

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
LUKE O. BROOKS
JASON C. DAVIS
100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)

Attorneys for Plaintiffs

S:\CasesSD\Morgan Stanley SIV\secy\MOT00063629_CC_Net.doc

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 22, 2009.

s/ DANIEL S. DROSMAN
DANIEL S. DROSMAN

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

E-mail: ddrosman@csgrr.com

Mailing Information for a Case 1:08-cv-07508-SAS-DCF

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Floyd Abrams**
fabramps@cahill.com
- **Darryl J. Alvarado**
dalvarado@csgrr.com
- **Anne L. Box**
anneb@csgrr.com
- **Luke Orion Brooks**
lukeb@csgrr.com
- **Andrea Rose Butler**
abutler@cahill.com
- **Jarrett Scott Charo**
jcharo@csgrr.com
- **James J. Coster**
jcoster@ssbb.com,managingclerk@ssbb.com,jrubins@ssbb.com
- **Patrick Joseph Coughlin**
patc@csgrr.com
- **Jason Cassidy Davis**
jdavis@csgrr.com,khuang@csgrr.com,e_file_sf@csgrr.com,e_file_sd@csgrr.com
- **Daniel S. Drosman**
ddrosman@csgrr.com,jllk@csgrr.com,E_File_SD@csgrr.com,tholindrake@csgrr.com,nlindell@csgrr.com,jcharo@csgrr.com
- **Michael Fred Ghozland**
mghozland@csgrr.com
- **Justin Evan Klein**
jklein@ssbb.com,managingclerk@ssbb.com
- **Nathan R. Lindell**
nlindell@csgrr.com
- **Damien Jerome Marshall**
dmmarshall@bsflp.com,NYC_Managing_Clerk@bsflp.com
- **Antonio Jorge Perez-Marques**
antonio.perez@dpw.com,ecf.ct.papers@dpw.com
- **Dean I. Ringel**
DRingel@Cahill.com,JHall@cahill.com
- **James P. Rouhandeh**
james.rouhandeh@dpw.com
- **Joshua M. Rubins**
jrubins@ssbb.com,managingclerk@ssbb.com

- **Samuel Howard Rudman**
srudman@csgrr.com,e_file_ny@csgrr.com
- **Jonathan Henry Sherman**
jsherman@bsflp.com,NYC_Managing_Clerk@bsflp.com
- **Jessica T. Shinnefield**
jshinnefield@csgrr.com
- **Aaron Mark Zeisler**
azeisler@ssbb.com,managingclerk@ssbb.com
- **Adam N. Zurofsky**
azurofsky@cahill.com,MMcLoughlin@cahill.com,NMarcantonio@cahill.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

David C. Walton
Lerach, Coughlin, Stoia, Geller, Rudman & Robbins, L.L.P.
655 W. Broadway
Suite 1900
San Diego, CA 92101-3301